

**REDACTED VERSION OF DOCUMENT SOUGHT
TO BE SEALED**

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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

MARKEE CARTER,

Plaintiff,

v.

BRAD SMITH, et al.,

Defendants.

AND RELATED ACTIONS:

- *Spells v. Smith, et al.*, No. 13-4102-EMC
- *Hirscher v. Smith, et al.*, No 14-0340-EMC
- *Beyett v. Smith, et al.*, No. 14-3153-EMC

) Case No.: 13-cv-04373-EMC

)

) **STIPULATION AND [PROPOSED]**

) **ORDER RE SETTLEMENT AND**

) **DISMISSAL**

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To avoid further litigation, and with the aim of fully and finally resolving this litigation, the parties respectfully request that the Court enter the order set forth below.

To explain, the four plaintiffs (all San Quentin inmates) brought these lawsuits against five California Prison Industry Authority (CALPIA) employees. The parties reached a settlement agreement during a November 18, 2015 settlement conference with Magistrate Judge Spero. The parties subsequently attempted – unsuccessfully – to embody the November 18 oral agreement’s terms, with some revisions, in a written agreement. On March 11, Plaintiffs filed a motion to enforce the November 18 agreement, which motion is set for hearing on April 21. Defendants and non-party CALPIA agree with Plaintiffs that, at this point, the November 18 agreement should be

1 deemed binding. However, in the absence of a settlement agreement signed by all Plaintiffs,
2 CALPIA requires a document signed by the Court reflecting payment terms to make payments.

3 Through counsel, the parties and CALPIA thus stipulate to the order set forth below.

4 SO STIPULATED:

5 Dated: March 16, 2016

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

6
7 /s/ Dylan I. Ballard

8 Dylan I. Ballard
9 Attorneys for Plaintiffs
10 Markee D. Carter, Evert Spells, Norman Hirscher,
11 and Lynn Charles Beyett

12 Dated: March 16, 2016

LAW OFFICES OF NANCY E. HUDGINS

13
14 /s/ Matthew M. Grigg

15 Matthew M. Grigg
16 Attorneys for Defendants
17 Joe Dobie, Philip Earley,
18 Gary Loreda, and Brad Smith

19 Dated: March 16, 2016

/s/ Kenneth R. Williams

20 Kenneth R. Williams
21 Attorney For Defendant Jeremiah Young

22
23 Dated: March 16, 2016

/s/ Jeff Sly

24 Jeff Sly
25 General Counsel
26 California Prison Industry Authority

27
28 *The filer of this stipulation hereby attests that the other signatories have consented to its filing.

[PROPOSED] ORDER

Pursuant to the parties' stipulation, and good cause appearing therefor, the Court hereby orders:

1. All parties shall fulfill their obligations under the November 18, 2015 settlement agreement without the need for a written version of the agreement.

2. [REDACTED]

[REDACTED]

a. [REDACTED]

b. [REDACTED]

c. [REDACTED]

d. [REDACTED]

3. Consistent with the Court's prior order (Dkt. No. 55), Sheppard, Mullin, Richter & Hampton LLP's limited scope pro bono representation of Plaintiffs has concluded.

4. These four lawsuits are hereby dismissed in their entirety with prejudice, with the parties each to bear their own costs and fees.

IT IS SO ORDERED:

Dated: March __, 2016

EDWARD M. CHEN
United States District Judge